

MELISSA STONER - 3/29/2019

1

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF ARKANSAS  
3 TEXARKANA DIVISION

4 CRAIG SHIPP PLAINTIFF

5 v. CASE NO. 4:18-CV-04017-SOH

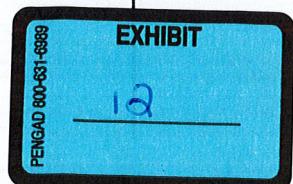
6 KIMBERLY HOFFMAN, et al. DEFENDANTS

7 \*\*\*\*\*  
8 \*\*\*\*\*  
9 \*\*\*\*\*

10 ORAL DEPOSITION  
11 OF  
12 MELISSA STONER  
13 MARCH 29, 2019  
14 VOLUME 1

15 \*\*\*\*\*  
16 \*\*\*\*\*  
17 \*\*\*\*\*

18 ORAL DEPOSITION OF MELISSA STONER, produced as a  
19 witness at the instance of the PLAINTIFF, CRAIG SHIPP,  
20 and duly sworn, was taken in the above-styled and  
21 numbered cause on the 29th day of March, 2019, from  
22 11:02 a.m. to 12:02 p.m., before LEICA TURNER, a  
23 Certified Shorthand Reporter in and for the State of  
24 Texas, reported by machine shorthand, at the offices of  
25 Leigh & Associates Court Reporting, 3930 Galleria Oaks  
Drive, Suite 159, Texarkana, Texas, pursuant to the  
Federal Rules of Civil Procedure and the provisions  
stated on the record or attached hereto.



1 A P P E A R A N C E S

2 FOR THE PLAINTIFF CRAIG SHIPP:

3 MR. DEREK S. FRANSEEN  
4 WALSH & FRANSEEN  
5 200 East 10th Street Plaza  
6 Edmond, Oklahoma 73034  
7 Phone: 405.843.7600  
8 Fax: 405.606.7050  
9 dfranseen@walshlawok.com

10 FOR THE MEDICAL DEFENDANTS:

11 MS. MICHELLE BANKS ODUM  
12 HUMPHRIES, ODUM & EUBANKS  
13 1901 Broadway Street  
14 Little Rock, Arkansas 72206  
15 Phone: 501.420.1776  
16 michelle@humphrieslaw.net

17 FOR THE ADC DEFENDANTS:

18 MS. ROSALYN MIDDLETON  
19 ASSISTANT ATTORNEY GENERAL  
20 CIVIL DEPARTMENT  
21 323 Center Street  
22 Suite 200  
23 Little Rock, Arkansas 72201  
24 Phone: 501.682.8122  
25 Fax: 501.682.2591  
rosalyn.middleton@arkansasag.gov

26 ALSO PRESENT:

27 Ms. Diane Cunningham

1                   I N D E X

2 WITNESS: MELISSA STONER

		PAGE
4 Appearances .....		2
5		
6 Changes and Signature .....		42
7 Reporter's Certificates .....		44
8		
9 Examination by Mr. Franseen .....		4
10 Examination by Mr. Odum .....		37
11 Examination by Mr. Franseen .....		38
12		
13		
14		

15                   E X H I B I T   I N D E X

16 EXHIBIT		PAGE
17 NO.	DESCRIPTION	MARKED
18 1 .....		24
19	Medical Records	
20	(Bates CCS 536 - CCS 590)	
21		
22		
23		
24		
25		

## P R O C E E D I N G S

(All parties present have hereby waived the introductory reading by the deposition officer as required by Rule 30(b)(5).)

MELISSA STONER,

having been first duly cautioned and sworn, testified as follows:

## **EXAMINATION**

BY MR. FRANSEEN:

10 Q. Please state your full name.

11 A. Melissa Joyce Stoner.

12 Q. Have you gone by any other names?

13 A. Melissa Ross and Melissa Stewart.

14 Q. How do you spell Stewart?

15 A. S-t-e-w-a-r-t.

16 Q. I guess what was your birth last name?

17 A. Stewart.

18 Q. Okay. And do you know what year you became  
19 Ross?

A. 2 -- no, not 2 -- 1991.

21 Q. Was that due to marriage?

22 A. Yes.

Q. When did you become Stoner?

24 A. 1996.

25 Q. And was that due to marriage?

1 Q. When did you next return to SWACC?

2 A. In 2012.

3 Q. Did you work at any facilities that were  
4 correctional or jail settings?

5 A. Yes, sir, I worked at Telford from 2006 when  
6 we moved back to 2011.

7 Q. And is that Telford?

8 A. T-e-l-f-o-r-d.

9 Q. Where is Telford at?

10 A. In New Boston, Texas.

11 Q. Do you remember how they handled their medical  
12 device approval?

13 A. Telford is totally different from CCS.

14 Q. How would they do it?

15 A. Medical would prescribe it. It's a prison  
16 setting. It's like full murderers and rapists. Totally  
17 different setting.

18 Q. Do you know if there's any approval needed by  
19 the warden?

20 A. Not to my knowledge. I don't know.

21 Q. So then you returned to SWACC. Since 2012  
22 until now, are you aware of any changes in that  
23 procedure as far as approving medical devices by  
24 SWACC?

25 A. No, sir.

1           Q. Are you still employed there?

2           A. No, sir.

3           Q. When did you last work at SWACC?

4           A. In July of 2016.

5           Q. And why did your employment end there?

6           A. They accused me of making comments about a  
7 case or a patient on social media which I did not.

8           Q. Did you make any comments on social media  
9 about any work-related issue there?

10          A. I made a comment about doing a head-to-toe  
11 assessment and getting yelled at for it.

12          Q. Did you notify -- identify who the patient was  
13 or anything?

14          A. No, sir, I did not.

15          Q. Were you the nurse who did the head-to-toe  
16 assessment?

17          A. Yes, sir, I was.

18          Q. Do you remember why you were yelled at for  
19 doing a head-to-toe assessment?

20          A. She was concerned about his pupillary reaction  
21 and that he had fallen on my shift. I went in to assess  
22 him and security would not allow me to. And that is in  
23 my note. And that there were no changes in his  
24 condition after he fell and that I should have informed  
25 the doctor.

1 Q. I'm going to hand you -- it was Exhibit 1 in  
2 Ms. Smith's deposition and it will stay Exhibit 1 for  
3 yours. It is CCS 536 through CCS 590. There on the  
4 first page, is there an encounter there by you?

5 A. Yes, sir.

6 Q. In that encounter, where is the drainage that  
7 you're describing?

8 A. On the sock and bandage.

9 Q. Is that a sign of infection?

10 A. Not necessarily.

11 Q. What is it a sign of?

12 A. It's serosanguinal drainage which means it's  
13 blood-tinged. It's just blood-tinged.

14 Q. On something like that, do you notify the  
15 doctor?

16 A. No, sir. It's expected.

17 Q. Let's go to CCS 541. Is there an encounter  
18 there by you?

19 A. Yes, sir.

20 Q. What is -- is this a sick call encounter?

21 A. No, sir.

22 Q. What's this?

23 A. Treatment call.

24 Q. Did he go to medical for this?

25 A. Yes, sir.

1           Q. It's just kind of just part of his treatment  
2 that's already been prescribed?

3           A. Yes, sir.

4           Q. If someone goes to a treatment call, are they  
5 allowed to report something to you that can initiate  
6 being seen by a doctor?

7           A. Not without a sick call.

8           Q. Did you refer him to a doctor on this case?

9           A. Yes, sir.

10          Q. So there's nothing preventing you from making  
11 that decision to refer somebody to a doctor on a  
12 treatment call?

13          A. Well, if it's for an ongoing thing, I can  
14 refer him to the doctor, but if it's something new, he  
15 has to place a sick call. This is ongoing.

16          Q. Per the procedures?

17          A. Yes, sir. It was a new diabetic ulcer.

18          Q. So since the 5th when he was first seen by  
19 Dr. Lemdja, a second ulcer on his other foot started  
20 during that time period?

21          A. Yes, sir. Well, it was a blister at the time.

22          Q. Do blisters turn into sores and ulcers?

23          A. They can, yes, sir.

24          Q. Do you agree it's important to -- for a  
25 diabetic to have their orthotic device in order to help

1 prevent a blister or sore from potentially forming?

2 A. Yes, sir.

3 Q. Preventing it from initially forming is the  
4 best way to prevent a sore from developing?

5 A. Yes, sir.

6 Q. And if a sore develops, do you agree that it  
7 can potentially lead to an amputation?

8 A. If it does not heal, yes, sir.

9 Q. Prior to February 5th, that encounter we  
10 already talked about, did you have any other interaction  
11 with Mr. Shipp prior to that?

12 A. Just at pill call and treatment calls. I  
13 didn't do any sick calls on him.

14 Q. You didn't evaluate his feet or anything?

15 A. Just at treatment call.

16 Q. Okay. But prior to February 5th, if that's  
17 the first encounter with your name on it, would that  
18 have been the first time you observed him?

19 A. I'm not -- I don't understand.

20 Q. Okay.

21 A. Rephrase it a little bit.

22 Q. If there's nothing documented with you prior  
23 to February 5th, do you believe that you had any  
24 treatment encounters with him?

25 A. No, sir.

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

**CRAIG SHIPP** **PLAINTIFF**

CASE NO. 4:18-CV-04017-SOH

V.

KIMBERLY HOFFMAN, et al. DEFENDANTS

**REPORTER'S CERTIFICATION  
ORAL DEPOSITION  
OF  
MELISSA STONER  
MARCH 29, 2019  
VOLUME 1**

I, LEICA TURNER, Certified Shorthand Reporter  
in and for the State of Texas, do hereby certify to the  
following:

That the witness, MELISSA STONER, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness:

I further certify that pursuant to FRCP Rule 30(f)(1) that the signature of the deponent:

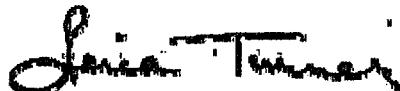
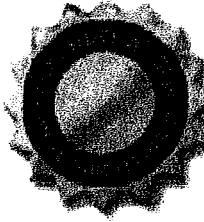
X was requested by the deponent or a party before the completion of the deposition and is to be returned within 30 days from the date of receipt of

1 the transcript. If returned, the attached Changes and  
2 Signature Page contains any changes and the reasons  
3 therefor;

4 \_\_\_\_\_ was not requested by the deponent  
5 or a party before the completion of the deposition.

6 I further certify that I am neither counsel  
7 for, related to, nor employed by any of the parties or  
8 attorneys to the action in with this proceeding was  
9 taken. Further, I am not a relative or employee of any  
10 attorney or record in this cause, nor am I financially  
11 or otherwise interested in the outcome of the action.

12 Subscribed and sworn to on this the 15th day  
13 of April, 2019.

14  
15   
16   
17

18 LEICA TURNER, Texas CSR #5622  
19 Expiration Date: 12/31/19  
20 Firm Registration No.: 684  
21 LEIGH & ASSOCIATES  
22 COURT REPORTING AND VIDEO  
23 911 West Loop 281, Suite 211  
24 Longview, Texas 75604  
25 Telephone: (877) 790-3376  
Facsimile: (877) 790-3377  
[www.leighreporting.com](http://www.leighreporting.com)